IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 10TH APRIL 2007 / 20TH CHAITHRA 1929

Crl.MC.No. 1130 of 2007()

AGAINST THE ORDER DATED / / IN CC. 60 /1998 IN
LP.14/2000 of JUDL. MAGISTRATE OF FIRST CLASS COURT, PATTAMBI

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PETITIONER:

K.P. HABEEB, AGED 39 YEARS,
S/O. MOHAMMED, RESIDING AT
KURUDAMPARAMBIL HOUSE,
PATTITHARA P.O., (VIA) TRITHALA,
PALGHAT DISTRICT.

BY ADV. SRI.T.C.GOVINDA SWAMY
SMT.D.HEERA
SRI.P.NPANKAJAKSHAN PILLAI
SMT.K.C.SARALA

RESPONDENTS:

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1. THE SUB INSPECTOR OF POLICE, TRITHALA.

2. SHRI A.J. THOMAS, S/O. JOSEPH,
KOLAPAKRA, KOTHAMANGALAM.

3. STATE OF KERALA, REP. BY THE
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

BY P.P. SRI. GIKKU JACOB.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 10/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

CRL.M.C.NO. 1130 OF 2007

Dated this the 10th day of April, 2007

ORDER

The petitioner faces indictment in a prosecution allegedly under Sec.420 of the IPC and Sec.138 of the Negotiable Instruments Act. The case was registered as C.C. No.60/98. Consequent to the non-appearance of the petitioner, it stands transferred to the list of Long Pending Cases as L.P.No.14/2000 before the Judicial Magistrate of the First Class, Pattambi. Coercive processes issued by the learned Magistrate are chasing the petitioner and it is, in these circumstances, that the petitioner has come to this Court with this petition under Sec.482 of the Cr.P.C. for a direction to release the petitioner on bail on the date when he appears before the learned Magistrate. According to the petitioner, the petitioner has valid reasons to explain his absence before the court earlier.

2. I am not satisfied that any directions deserve to be issued under Sec.482 of the Cr.P.C. It is certainly for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate the circumstances under which he could not earlier appear before the learned Magistrate. I have no reason to assume that the learned Magistrate would not consider the petitioner's application for regular bail on merits in accordance with law and expeditiously. No special or specific directions appear to be necessary. Every court must do the same. Sufficient general directions on this aspect have already been issued in the decision reported in **Alice George v. Deputy Superintendent of Police** (2003 (1) KLT 339).

3. In the result, this Crl.M.C. is dismissed; but with the observation that if the petitioner surrenders before the learned Magistrate and seeks bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously – on the date of surrender itself, unless compelling

and exceptional reasons are there.

4. Hand over a copy of this order to the learned counsel for the petitioner.

Sd/-

(R. BASANT, JUDGE)

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//true copy//

P.S. to Judge